

Sample Notification of Change in Status

Market-based rate sellers must timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority. A change in status includes, but is not limited to, each of the following:

- (i) Ownership or control of generation or transmission facilities or inputs to electric power production other than fuel supplies, or
- (ii) Affiliation with any entity not disclosed in the application for market-based rate authority that owns or controls generation or transmission facilities or inputs to electric power production, or affiliation with any entity that has a franchised service area.

Any change in status must be filed no later than 30 days after the change in status occurs.

Sellers making a change in status filing are required to make an affirmative statement in their filing as to whether the change in status transfers control of any assets and whether the change in status results in any material effect on the conditions that the Commission relied upon for the grant of their market-based rate authority.

If a seller is filing a change in status that relates to a filing they made a filing pursuant to section 203 of the Federal Power Act, (16 U.S.C. § 824b (2000)), they must notify the Commission of the section 203 filing in the change in status filing.

To the extent a seller has made a section 203 filing that it submits is being made out of an abundance of caution and thus has voluntarily consented to the Commission's section 203 jurisdiction, the seller will be required to incorporate this same assumption in its market-based rate change in status filing (e.g., if the seller assumes that it will control a jurisdictional facility in a section 203 filing, it should make that same assumption in its market-based rate change in status filing and, on that basis, inform the Commission as to whether there is any material effect on its market-based rate authority).

If the change in status results in a material effect on the condition that the Commission relied upon in the grant of a seller's market-based rate authority, refer to *Reporting Requirements for Changes in Status for Public Utilities with Market-Based Rate Authority*, FERC Stats. & Regs., Regulations Preambles III ¶ 31, 175 (Feb. 10, 2005) (Order No. 652), *order on reh'g*, 111 FERC ¶ 61,413 (2005); 18

C.F.R. § 35.27(c) (2005) and *Calpine Energy Services, L.P.*, 113 FERC ¶ 61,158 (2005).

<EXAMPLE OF CHANGE IN STATUS>

[Current Date]

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St., N.E.
Washington, D.C. 20426

Re: Example Seller, Inc.
Notification of Change in Status
Docket No. ER[insert original root docket number]-____-____

Dear Ms. Salas:

Enclosed for filing are an original and six copies of a notice of change in status submitted by Example Seller, Inc. (Example Seller). Seller is hereby reporting the following change in status that reflects a departure from the facts relied upon by the Commission in the grant of market based rate authority in Docket No. ER99-1234-000.

Example Seller, Inc. has purchased 120 MW of capacity under long-term contract. Since the entire output of this facility is fully committed under long-term contract, the acquisition does not materially affect the conditions that the Commission relied upon for the grant of their market-based rate authority.

If you require any additional information or have any questions regarding this filing, please contact me at 202-502-XXXX.

Sincerely,

Cynthia F. Kilowatt
Vice President
Example Seller, Inc.
Suite 9000
1111 Half Street, N.W.
Washington, D.C. 20426-0000

Ph: (202) 502-XXXX